



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,965	11/13/2001	Thomas Basilio Genduso	RPS920010086US1	3801

7590 10/13/2004

Joseph P. Lally
DEWAN & LALLY, L.L.P.
P.O. Box 684749
Austin, TX 78768-4749

EXAMINER

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
----------	--------------

2839

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,965

Applicant(s)

GENDUSO ET AL.

Examiner

Chandrika Prasad

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 21-22 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen (4,705,485).

Hansen (Figures 1-5) shows a connector assembly connectable at right angles to an adapter card having a cylindrical receptacle 7 with a plurality of evenly spaced contact structures 13 oriented along an axis parallel to a longitudinal axis of the receptacle and engaging a plurality of contact elements 2 wherein the receptacle contact structures and probe contact areas are configured to be connected to signals and interconnects. The receptacle contact structures are within an interior surface of a housing 9 and the probe contact areas are on an exterior surface of the probe. The

Art Unit: 2839

probe is rotatable within the receptacle from a first position when the contacts do not engage the contact structure. The probe can be slidingly rotated within the receptacle to a second position such that the contact elements engage the contact structure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (4,705,485).

Hansen (4,705,485) shows all the features of these claims as described in Paragraph 3 above except probe guide and notch. Official notice is given that these features are well known in the art of electrical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features because these would provide a means to align the probe with the receptacle as is well known in the art.

6. Claims 4-5, 24-25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (4,705,485) in view of Cameron (4,217,019).

Hansen (4,705,485) shows all the features of these claims as describe in Paragraph 3 above except an iris mechanism. Such a mechanism is well known in the art as shown by Cameron (Figure 12). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features

Art Unit: 2839

because these would provide a means to cover/protect the interior of the receptacle as taught by Cameron and well known in the art.

7. Claims 6-10, 26-30 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (4,705,485).

Hansen (4,705,485) shows all the features of these claims as describe in Paragraph 3 above except a prove cover and a locking mechanism. Official notice is given that these features are well known in the art of electrical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features because these would provide a means to secure and protect the probe as is well known in the art.

Double Patenting

8. Applicant is advised that should claims 1-10 be found allowable, claims 21-40 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falossi et al. (5409403), Maurer et al. (5376206), Straus (3829814) and Carmichael (5820416) also read on all independent claims.

Contact Information

11. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad
Primary examiner
September 22, 2004